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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,349

04/01/2004

Shigeru Maeda

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FOLEY & LARDNER  
2029 CENTURY PARK EAST  
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LOS ANGELES, CA 90067

EXAMINER

JAKOVAC, RYAN J

ART UNIT

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4121

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,349	<b>Applicant(s)</b> MAEDA ET AL.	
	<b>Examiner</b> RYAN J. JAKOVAC	<b>Art Unit</b> 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/01/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communications filed on 04/01/2004.

Claims 1-18 are pending.

Claims 1-18 are rejected.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2349717 A to Hodges et al (hereinafter Hodges).

Regarding claim 1, Hodges teaches a data transmitting apparatus comprising: a stream input unit which inputs digital-encoded stream data; a buffer which executes buffering of the inputted stream data (Hodges, Page 10, line 10-32, The server inputs a marshalled stream of data in to the server's buffer.); a converting unit which converts information including the stream data on which buffering has been executed by the buffer, into a file according to a capacity of the buffer (Hodges, Page 10, line 10-32, The server unmarshalls the stream of data into a representation of the request (i.e. file) in the servers memory.); and a transmitting unit which transmits the file converted by the converting unit (Hodges, Page 10, line 10-32, The server generates a response which it sends to the client.).

Regarding claim 2, Hodges teaches the data transmitting apparatus according to claim 1, further comprising a buffer capacity control unit which variably controls the capacity of the buffer (Hodges, page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the capacity of the buffer is controlled.)).

Regarding claim 3, Hodges teaches the data transmitting apparatus according to claim 1, wherein the buffer includes a first buffer which executes buffering of stream data relating to normal playback, and a second buffer which executes buffering of stream data relating to special playback (Hodges, page 35, paragraph 2, A second circular buffer is used).

Regarding claim 14, Hodges teaches a data transmitting/receiving method of executing transmission/reception of data between a data transmitting apparatus and a data receiving apparatus, the method comprising: requesting playback from the data receiving apparatus to the data transmitting apparatus (Hodges, page 10, line 10-22, The client makes a request to the server.); and converting digital-encoded stream data into stream data suitable for the playback requested, in the data transmitting apparatus, and storing the stream data in a buffer, converting information including the stream data on which buffering has been executed by the buffer, into a file according to a capacity of the buffer, and transmitting the converted file from the data transmitting apparatus to the data receiving apparatus (Hodges, Page 10, line 10-32, The server inputs a marshalled stream of data into the server's buffer. The server unmarshalls the stream of data into a

representation of the request (i.e. file) in the servers memory and generates a response which it sends to the client.).

Regarding claim 15, Hodges teaches the data transmitting/receiving method according to claim 14, further comprising variably controlling the capacity of the buffer (Hodges, page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the capacity of the buffer is controlled.)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges in view of U.S. 7,302,490 to Gupta et al (hereinafter Gupta).

Regarding claim 4, Hodges teaches a data transmitting/receiving system, comprising: a data transmitting apparatus; and a data receiving apparatus (Hodges, Page 10, line 10-32, The server (i.e. data transmitting apparatus) generates a response which it sends to the client (i.e. data receiving apparatus).), the data transmitting apparatus including: a stream input unit which inputs digital-encoded stream data, a first buffer which executes buffering of the inputted stream data (Hodges, Page 10, line 10-

32, The server inputs a marshalled stream of data in to the server's buffer.), a converting unit which converts information including the stream data on which buffering has been executed by the first buffer, into a file according to a capacity of the buffer (Hodges, Page 10, line 10-32, The server unmarshalls the stream of data into a representation of the request (i.e. file) in the servers memory.), and a transmitting unit which transmits the file converted by the converting unit (Hodges, Page 10, line 10-32, The server generates a response which it sends to the client.), the data receiving apparatus including: a second buffer which inputs the file transmitted from the data transmitting apparatus (Hodges, page 11, line 1-10, The client receives the information from the server into its buffer.), and Hodges does not teach but XXXX teaches a playback processing unit which plays back stream data from the file inputted to the second buffer (Gupta, Col. 6, line 50-60, The client renders the data streams to produce multimedia content.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine a playback processing unit which plays back stream data from the file inputted to the second buffer as taught by Gupta with the system of Hodges in order to render and display a data stream (Gupta, Col. 6, line 50-60).

Regarding claim 5, the combination of Hodges and Gupta teaches the data transmitting/receiving system according to claim 4, wherein the capacity of the first buffer is smaller than a capacity of the second buffer (Hodges, page 10, line 10-32

discloses a buffer in the sending computer and a buffer in the receiving computer.  
Hodges, page 9, line 1-20 discloses controlling the capacity of the buffers.).

Regarding claim 6, the combination of Hodges and Gupta the data transmitting/receiving system according to claim 4, wherein the data transmitting apparatus further includes a buffer capacity control unit which variably controls the capacity of the first buffer (Hodges, page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the capacity of the buffer is controlled.)).

Regarding claim 7, the combination of Hodges and Gupta teaches the data transmitting/receiving system as recited in claim 4, the combination of Hodges and Gupta does not expressly disclose wherein said data receiving unit is operative for transmitting to said data transmitting apparatus information specifying the size of said second buffer.

However, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 8, combination of Hodges and Gupta teaches the data transmitting/receiving system as recited in claim 7, wherein said data transmitting apparatus is responsive to said size information to control the content of said first buffer

to be less than or equal to the size of said first buffer as designated by said size information (Hodges, page 6, line 5-30, A triggering value and rules are transmitted between a sending a receiving application which specify where to store information. Page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the size and location of the buffer is controlled.)).

Regarding claim 9, the combination of Hodges and Gupta teaches the data transmitting/receiving system as recited in claim 6 wherein said data receiving unit is operative for transmitting to said data transmitting apparatus information specifying the size of said second buffer (Hodges, page 6, line 5-30, A triggering value and rules are transmitted between a sending a receiving application which specify where to store information. Page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the size and location of the buffer is controlled.)).

Regarding claim 10, the combination of Hodges and Gupta teaches the data transmitting/receiving system as recited in claim 9 wherein said buffer capacity control unit is responsive to said size information to control the content of said first buffer to be less than or equal to the size of said first buffer as designated by said size information (Hodges, page 6, line 5-30, A triggering value and rules are transmitted between a sending a receiving application which specify where to store information. Page 9, line 1-20, Areas of the buffer are indicated as available or unavailable (i.e. the size and location of the buffer is controlled.)).



Regarding claim 11, the combination of Hodges and Gupta teaches the data transmitting/receiving system according to claim 4, wherein said data receiving apparatus includes a communication unit and transmits a speed request to said data transmitting apparatus designating a speed at which the file is requested to be sent to said data receiving apparatus (Gupta, Col. 8, line 10-30, The client makes special playback requests to change the playback speed including a pause function.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said data receiving apparatus includes a communication unit and transmits a speed request to said data transmitting apparatus designating a speed at which the file is requested to be sent to said data receiving apparatus as taught by Gupta with the transmitting/receiving system of combination of Hodges and Gupta in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

Regarding claim 12, the combination of Hodges and Gupta teaches the data transmitting/receiving system according to claim 4, wherein said data receiving apparatus includes a communication unit and transmits a speed special playback request to said data transmitting apparatus designating a special playback at which the file is requested to be sent to said data receiving apparatus (Gupta, Col. 8, line 10-30, The client makes special playback requests to change the playback speed including a pause function.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said data receiving apparatus includes a communication unit and transmits a speed special playback request to said data transmitting apparatus designating a special playback at which the file is requested to be sent to said data receiving apparatus as taught by Gupta with the method of Hodges in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

Regarding claim 13, the combination of Hodges and Gupta teaches the data transmitting/receiving system according to claim 4, wherein the first buffer includes one buffer which executes buffering of stream data relating to normal playback and another buffer which executes buffering of stream data relating to special playback (Hodges, page 35, paragraph 2, A second circular buffer is used). Gupta, Col. 8, line 10-30, discloses a client making special playback requests to change the playback speed including a pause function.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the first buffer includes one buffer which executes buffering of stream data relating to normal playback and another buffer which executes buffering of stream data relating to special playback as taught by Gupta with the method of Hodges in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

Regarding claim 16, Hodges teaches the data transmitting/receiving method according to claim 14, wherein the buffer is arranged to include a first buffer which executes buffering of stream data relating to normal playback and a second buffer which executes buffering of stream data relating to special playback (Hodges, page 35, paragraph 2, A second circular buffer is used). Gupta, Col. 8, line 10-30, discloses a client making special playback requests to change the playback speed including a pause function.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the buffer is arranged to include a first buffer which executes buffering of stream data relating to normal playback and a second buffer which executes buffering of stream data relating to special playback as taught by Gupta with the method of Hodges in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

Regarding claim 17, Hodges teaches the data transmitting/receiving method according to claim 14, Hodges does not teach but Gupta teaches wherein the step of requesting playback from the data receiving apparatus to the data transmitting apparatus includes specifying a speed parameter by said receiving apparatus (Gupta, Col. 8, line 10-30, The client makes special playback requests to change the playback speed including a pause function. The client also views the multimedia stream at normal or 1.0 playback speed.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of requesting playback from the data receiving apparatus to the data transmitting apparatus includes specifying a speed parameter by said receiving apparatus as taught by Gupta with the method of Hodges in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

Regarding claim 18, Hodges teaches the data transmitting/receiving method according to claim 14, Hodges does not expressly disclose but Gupta teaches wherein the step of requesting playback from the data receiving apparatus to the data transmitting apparatus includes specifying a special playback parameter by said receiving apparatus (Gupta, Col. 8, line 10-30, The client makes special playback requests to change the playback speed including a pause function.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of requesting playback from the data receiving apparatus to the data transmitting apparatus includes specifying a special playback parameter by said receiving apparatus as taught by Gupta with the method of Hodges in order to synchronize streams when switching between different streams during playback (Gupta Col 8, line, 10-30).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. 7,191,242 discloses a system for transmitting multimedia stream data in a network environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RJ

/Taghi T. Arani/  
Supervisory Patent Examiner, Art Unit 4121  
2/4/2008